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EXAMINER TRUONG, THANHNGA B				
ART UNIT 2438		PAPER NUMBER		
NOTIFICATION DATE 01/25/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/080,476

Applicant(s)

PROUDLER ET AL.

Examiner

THANHNGA B. TRUONG

Art Unit

2438

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-912)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the communication filed on November 12, 2010. Claims 11-30 are pending. Claims 27-30 are newly added by the applicant. At this time claims 11-30 are still rejected.

Response to Arguments

2. Applicant's arguments filed November 12, 2010, under 35 U.S.C. 103(a) as obvious over Stewart et al (US 6,414,635 B1) and further in view of Hay et al (US 2002/0089528), have been fully considered but they are not persuasive.

Applicant has argued that:

The combination of teaching between Stewart and Hay fails to disclose or suggest trusted computing platforms or providing information about trusted computed platforms to a visiting device; and retrieves information relating to trusted computing platforms within and geographic area or providing such information to a visiting apparatus, as recited in claims 11 and 21.

Examiner respectfully disagrees with the applicant and still maintains that:

Stewart does teach the geographic-based communications service system includes a network and a plurality of access points connected to the network. The access points may be arranged at known locations in a geographic region. One or more service providers or information providers may be connected to the network to provide services or information on the network. As used herein, the term "service provider" is intended to include goods providers, information providers, and/or service providers (column 2, lines 52-62 of Stewart). In fact, Stewart further teaches a mobile user (MU) may use a portable computing device (PCD) to connect to the network and access information or services from the network. The PCD of the mobile user may connect to an access point in a wireless fashion. The PCD may optionally be configured to transmit identification information indicating the identity of the mobile user. Each of the plurality of access points may be configured to independently communicate with a PCD and may also be configured to receive the identification information indicating the identity of the user of the PCD. When a PCD of a user is in proximity to a

first access point and communicates with the first access point, the first access point may determine the geographic location of the PCD and transmit information regarding the geographic location of the PCD to one or more providers on the network. Thus, the first access point is operable to transmit the information regarding approximate geographic location of the PCD, not just the known geographic location of the first access point. This allows improved geographic-based services to be provided to the user. Although Stewart teaches an information system using access point with related pre-determined geographical area for network communication wherein the portable computing device (PCD) 110 equipped with a certificate to ensure security, Stewart does imply the teaching on the capability of communicating with trusted computing platform. However, Hay teaches as the security functions provided by the trusted platform hardware control will be presented to the user when relevant, on a level which is relevant to them, means that all functions are likely to be viewed and employed at some time or other when required, rather than the user having to spend time setting up all features before using any, or having to search out required features (see paragraph [0022] of Hay). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the invention of Stewart to clearly state the portable computing device (PCD) 110 is the trusted computing platform and/or modified Stewart's invention with the teaching of Hay for a user of a computer system to feel confident that they know who and what they are talking to, that the communication is confidential and that the information is transmitted accurately (paragraph [0001] of Hay).

Applicant has also argued that:

The combination of Stewart and Hay fails to disclose or suggest communicating with a visiting device in physical contact.

Examiner respectfully disagrees with the applicant and still maintains that:

Stewart does teaches a mobile user (MU) may use a portable computing device (PCD) to connect to the network and access information or services from the network. **The PCD of the mobile user may connect to an access point in a**

wireless fashion (emphasis added). The PCD may optionally be configured to transmit identification information indicating the identity of the mobile user.

In addition, applicant's specification cited keys may be rendered confidential because of intimate contact with a node of the key distribution service (see page 4, lines 3-5 of applicant's specification). This type of contact does not show as a physical contact. Similarly, another citation within the instant specification cited "in any event, it is preferable for communications between the information system and the user's portable computer apparatus to be unambiguous, such that the system preferably comprises a contact reader or directional wireless communication such as IR, for example" (page 5, lines 13-18 of applicant's specification). Again, this type of contact is not a physical contact. With the above explanation, the physical contact limitation could construe new matter for claims 15 and 24.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., wherein said apparatus for communicating or interacting with the portable computing apparatus is arranged to perform said communication or interaction by **physical contact** or directional wireless communication) are not recited in instant specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant has also argued that:

The combination of Stewart and Hay fails to disclose or suggest "the portable computing apparatus requesting that a verification service verify the information; the verification service verifying identities of the trusted computing platforms, signing results, and returning signed results; and the portable computing apparatus using the signed results to identify which of the trusted computing platforms can be trusted".

Examiner respectfully disagrees with the applicant and still maintains that:

Hay teaches the trusted device 24 can also perform secure data transfer and, for example, authentication between it and a smart card via encryption/decryption and signature/verification. The trusted device 24 can also securely enforce various security control policies, such as locking of the user interface (paragraph [0045] of Hay). In addition, Hay further teaches the certificate 350 is signed by the TP using the TP's private key prior to it being stored in the trusted device 24. In later communications sessions, a user of the platform 10 can verify the integrity of the platform 10 by comparing the acquired integrity metric with the authentic integrity metric 352. If there is a match, the user can be confident that the platform 10 has not been subverted. Knowledge of the TP's generally-available public key enables simple verification of the certificate 350. Furthermore, Hay also teaches the BIOS programs associated with a SCSI controller could be verified to ensure communications with peripheral equipment could be trusted (paragraph [0048, 0056] of Hay).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, according to the above explanation, the combination of teaching between Stewart and Hay is efficient and proper.

For the above reasons, it is believed that the rejections should be sustained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 13-22, 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al (US 6,414,635 B1), and further in view of Hay et al (US 2002/0089528).

a. Referring to claim 11:

i. Stewart teaches an information system comprising:

(1) an information access point relating to at least one pre-determined geographical area, said information access point including apparatus for retrieving information relating to trusted computing platforms located within said pre-determined geographical area (**see Figures 1-3, column 2, lines 54-66; column 3, lines 6-32; and column 8, lines 9-12 of Stewart**), said information system being arranged to provide said information to a portable computing apparatus visiting the pre-determined geographical area, wherein said information enables interaction with trusted components of said trusted computing platforms (**column 8, lines 9-23; column 16, lines 1-4 of Stewart**).

ii. Although Stewart teaches an information system using access point with related pre-determined geographical area for network communication wherein the portable computing device (PCD) 110 equipped with a certificate to ensure security, Stewart does imply the teaching on the capability of communicating with trusted computing platform. However, Hay teaches this limitation in **paragraph [0022] of Hay**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Stewart to clearly state the portable computing device (PCD) 110 is the trusted computing platform and/or modified Stewart's invention with the teaching of Hay for a user of a computer system to

feel confident that they know who and what they are talking to, that the communication is confidential and that the information is transmitted accurately (paragraph [0001] of Hay).

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Stewart to clearly state the portable computing device (PCD) 110 is the trusted computing platform and/or modified Stewart's invention with the teaching of Hay for securing transmitting information over the network.

b. Referring to claim 13:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Stewart further teaches:

(1) wherein said information access point comprises a trusted computing platform (see Figure 1, column 7, lines 15-31 of Stewart).

c. Referring to claim 14:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Stewart further teaches:

(1) comprising apparatus for communicating or interacting with a the portable computing apparatus (see Figure 1, column 7, lines 15-31 of Stewart).

d. Referring to claim 15:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Stewart further teaches:

(1) wherein said apparatus for communicating or interacting a the portable computing apparatus is arranged to perform said communication or interaction by physical contact or directional wireless communication (see Figure 1, column 7, lines 15-31 of Stewart).

e. Referring to claims 16-17:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Stewart further teaches:

(1) incorporating or accompanied by a declaration (e.g. certificate) concerning the trustworthiness of the system; wherein said declaration is capable of interpretation by a user of the portable computing apparatus without preprocessing by an information processing system (**column 8, lines 9-12 and lines 55-64 of Stewart**).

f. Referring to claim 18:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Stewart further teaches:

(1) arranged to verify the identity of a user (**column 8, lines 9-12 and lines 55-64 of Stewart**).

g. Referring to claim 19:

i. This claim has limitations that is similar to those of claim 15, thus it is rejected with the same rationale applied against claim 15 above.

h. Referring to claim 20:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Stewart further teaches:

(1) wherein the information provided to the portable computing apparatus includes security attributes of the trusted computing platform within said pre-determined geographical area (**column 8, lines 9-12 and lines 55-64 of Stewart**).

i. Referring to claims 21-22, 24-26:

i. These claims consist a method to implement claim 11, 13-15, thus they are rejected with the same rationale applied against claims 11, 13-15 above.

j. Referring to claim 27:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Hay further teaches:

(1) the portable computing apparatus requesting that a verification service verify the information; the verification service verifying identities of the trusted computing platforms, signing results, and returning signed results; and the portable computing apparatus using the signed results to identify which of the trusted computing platforms can be trusted **(paragraph [0045, 0048, 0056] of Hay).**

k. Referring to claim 28:

i. This claim has limitations that is similar to those of claim 11, thus it is rejected with the same rationale applied against claim 11 above.

l. Referring to claim 29:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Stewart and Hay further teach:

(1) wherein the interface comprises at least one of a contact reader and a directional wireless communication interface through which the portable computing apparatus can communicate with the information access point **(column 1, lines 30-40 of Stewart; and paragraphs [0012-0015] of Hay).**

l. Referring to claim 30:

i. The combination of teaching between Stewart and Hay teaches the claimed subject matter. Hay further teaches:

(1) wherein the information includes public keys associated with the trusted computing platforms **(paragraphs [0048, 0050, and 0057] of Hay).**

5. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al (US 6,414,635 B1), in view of Hay et al (US 2002/0089528), further in view of Gennaro et al (5,927,066).

a. Referring to claims 12 and 23:

i. Although the combination of teaching between Stewart and Hay teaches the claimed subject matter, they do not clearly show wherein said information system is arranged to provide as said information only details and/or a list of public keys of genuine trusted computing platforms within said pre-determined

geographical area (**column 8, lines 9-12 of Stewart**).. On the other hand, Gennaro teaches this limitation in column 27, lines 27-31 of Gennaro.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Stewart with the teaching of Gennaro for establishing keys between communicating parties (**column 1, lines 9-10 of Gennaro**).

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Stewart with the teaching of Gennaro to enhance wireless network security.

Conclusion

6. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached at 571-272-3787. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-272-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/
Primary Examiner, Art Unit 2438

TBT
January 18, 2011